

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARCO Products Company, A Division of Atlantic
Richfield Company (ARCO) and Mobil Oil
Corporation (MOBIL),

Complainants,

vs.

SFPP, L.P.,

Defendant.

Case 00-04-013

NOT CONSOLIDATED

In the Matter of the Application of SFPP, L.P. for
Authority to Justify its Rates for Intrastate
Transportation of Refined Petroleum Products on
the Basis of Market Factors.

Application 00-03-044

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING INFORMATION UPDATE**

Summary

This ruling requests that the parties to Application (A.) 00-03-044, Case (C.) 00-04-013, and the rehearing of C.97-04-025 determine whether any or all of the records need to be updated, or whether the passage of time and events supercedes the necessity of the Commission issuing decisions in any or all of the proceedings.

Background

C.00-04-013 was filed on April 10, 2000, by ARCO Products Company, A Division of Atlantic Richfield Company (ARCO), and Mobil Oil Corporation (Mobil), alleging that Defendant SFPP, L.P. (SFPP) has violated and continues to violate Pub. Util. Code § 451 by charging rates that are not just and reasonable for the intrastate transportation of refined petroleum products within the State of California.

Also pending before the Commission is A.00-03-044, an application by SFPP for authority to justify its rates based upon market factors. ARCO and Mobil, as well as other petroleum shippers, protested the Application. Although the two proceedings are independent and were not consolidated,¹ both proceedings were heard together at one evidentiary hearing February 1 through 5, 2001. The record was closed upon the filing of reply briefs in both proceedings on April 1, 2001.

In addition to the pending complaint and application, there is another matter on rehearing, C.97-04-025, involving SFPP, ARCO, and Mobil, as well as other parties, that is also waiting a Commission decision. This is a complaint by the shippers alleging that the rates SFPP is charging on two of its lines are not just and reasonable. Evidentiary hearings were held in October 2000, and briefing is complete.

On May 10, 2001, SFPP filed Advice Letter (AL) No. 14, and ARCO, Mobil, and Ultramar Inc., protested the AL. Protestants then filed a motion to

¹ After the complaint was filed on April 10, 2000, SFPP brought a motion to consolidate the complaint with the application. At the Prehearing Conference on June 28, 2000, the assigned administrative law judge (ALJ) denied SFPP's motion to consolidate, but ordered that the proceedings combined for purposes of the evidentiary hearing.

consolidate AL No. 14 with C.00-04-013, and a motion to dismiss A.00-03-044. The Commission has not yet ruled on the motions.

In addition to the matters pending before this Commission, many of the same parties have also been involved in proceedings before the Federal Energy Regulatory Commission (FERC). The Commission is interested if FERC has issued any rulings or decisions that would affect the outcome of any of these three proceedings.

Based on the similarity of issues, facts, and legal argument in all the SFPP/ARCO et al. matters pending before this Commission, we will review all matters before issuing a decision in any one proceeding.

Additional Briefing

Although the parties have fully briefed the issues in the proceedings, the passage of time and superceding events, including actions by FERC, may impact the adequacy and relevancy of information and data in the records, or may have rendered any one or all of the proceedings moot. This ruling requests that the parties to the respective proceedings review their testimony and post-hearing briefs and determine if any topics need to be updated, or if any issues no longer need resolution. The additional data, if any, is due April 12, 2002. Reply briefs are not required, but will be accepted, are limited to ten pages, and are due April 26, 2002. Parties may respond that all three records are complete and no updating is necessary.

IT IS RULED that parties to the three proceedings, Case (C.) 00-04-013, Application 00-03-044, and the rehearing in C.97-04-025 review their testimony and post-hearing briefs and determine what updates, if any, are necessary to render the respective records complete for Commission review.

Dated March 18, 2002, at San Francisco, California.

/s/ CAROL BROWN
Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Information Update on all parties of record in Case 00-04-013 and Application 00-03-044 or their attorneys of record.

Dated March 18, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.